

VZCZCXYZ0000
PP RUEHWEB

DE RUEHKU #4463/01 3191330
ZNY CCCCC ZZH
P 151330Z NOV 06
FM AMEMBASSY KUWAIT
TO RUEHC/SECSTATE WASHDC PRIORITY 7615
INFO RUEHJA/AMEMBASSY JAKARTA PRIORITY 0085
RUEHML/AMEMBASSY MANILA PRIORITY 0537

C O N F I D E N T I A L KUWAIT 004463

SIPDIS

SENSITIVE
SIPDIS

FOR NEA/ARP AND G/TIP

E.O. 12958: DECL: 11/15/2016
TAGS: [PREL](#) [PHUM](#) [ELAB](#) [KU](#) [TIP](#)
SUBJECT: KUWAIT TIP INTERIM ASSESSMENT

REF: STATE 175900

Classified By: CDA Matthew Tueller for reasons 1.4(b) and (d).

PROSECUTIONS

11. (C/NF) The GOK has provided Post with updated figures on prosecutions of trafficking-related crimes (Kuwait does not have a specific anti-trafficking law). The statistics address some of the deficiencies noted in last year's figures in that they specify not only the number of convictions, but also the sentences meted out in these cases. The most salient figures are provided below:

-- "Hiring foreign workers and then not providing them work": 258 convictions, 0 prison sentences, 12 fines, 38 probations, 208 cases in the appeals process. (Note: This is a common scheme to bilk workers out of money and then leave them to their own devices to find work. It leaves workers in a very vulnerable situation. End Note.)

-- "Facilitating workers' obtaining of residence permits in exchange for money (bribes)": 276 convictions, 5 prison sentences, 15 fines, 19 probations, 237 cases in the appeals process. (Note: This is another way that sponsors extract money from foreign workers, often putting these workers into debt that they have trouble repaying. End Note.)

-- "Incitement to lascivious behavior in 2005": 249 convictions, 7 prison sentences, 55 fines, 9 probations, 178 cases in the appeals process. (Note: Ministry of Justice officials report that this denotes cases against prostitutes and their clients. End Note.)

-- "Incitement to prostitution for 2005": 202 convictions, 18 prison sentences, 93 fines, 14 probations, 77 cases in the appeals process. (Note: MOJ officials report that this denotes charges against the organizers of prostitution. End Note.)

-- "Labor rights cases": 19,907 convictions. Of these convictions, punishments have been carried out in 3,630 of the cases.

These statistics represent important areas related to trafficking, though there is no way to definitely know how many of these cases actually represented trafficking. Post expressed appreciation for the greater detail than last year but also expressed the Department's wish to see evidence that more clearly demonstrates the connection of these prosecutions to trafficking. Ministry of Justice (MOJ) contacts have promised to coordinate with the Public Prosecutor's Office and the Ministry of Interior (i.e. the police) to try to gather more information on the relationship

between these prosecutions and trafficking.

VICTIM IDENTIFICATION

12. (C/NF) Over the past few weeks there have been increased press reports of expatriate women being forced into prostitution. The reports give prominence to the arrests of those who organize the prostitution and report (presumably based on government sources) that some of the women were forced into prostitution. Post is still working to verify these reports. The Director of the Criminal Investigation Department, who is credited with being the mastermind of the recent raids on prostitution dens, has expressed willingness to meet with EmbOffs and Post is working to arrange an acceptable meeting time. Nawwaf Al-Enezi, of the Ministry of Interior's Legal Affairs office, and Mohammad Al-Zu'by, Kuwait's Assistant Public Prosecutor, told EmbOffs in a November 13 meeting that the police and judicial authorities have procedures in place to identify victims of trafficking. Labor attaches from source countries have cast doubt on these assurances. Overall, Post has not seen an improvement in victim screening procedures, though further investigation is needed to understand GOK efforts in this area.

VICTIM PROTECTION

13. (C/NF) The GOK has not made any improvements in providing physical protection services for trafficking victims. It should be noted, however, that all foreign workers, including domestic workers, have access to inexpensive health care. Ministry of Interior (MOI) officials told EmbOffs that a shelter is "under study." For the first time, the MOI told EmbOffs that they are considering having the Kuwait Union of Domestic Labor Offices (KUDLO) run a shelter under MOI supervision. Some GOK officials continue to argue that there are many practical problems with creating a shelter and that the foreign embassies provide more effective shelters. The legal advisor for the Assistant Secretary for Labor Affairs at the Ministry of Social Affairs and Labor, which heads the inter-agency committee on expatriate workers, told EmbOffs off the record that the committee might be announcing an initiative on the shelter soon. This was a much stronger statement than previous GOK statements to Post.

NATIONAL ACTION PLAN TO COMBAT TIP

14. (C/NF) The GOK does not have a plan specifically designed to combat TIP. It has, however, taken several steps to address trafficking problems on a national scale. The GOK participated actively in the Gulf Cooperation Council (GCC) process to develop an anti-trafficking law. MOJ officials told EmbOffs off the record that the GCC Ministers of Justice meeting resulted in approval of a draft law against trafficking on November 8. The law needs to be approved by the GCC heads of state at their summit in December, at which point Kuwait would need to pass its own law. The Committee to Respond to Human Rights Reports Issued by Foreign Governments and International Bodies (a committee formed by the Council of Ministers in 2005) held a meeting with the National Assembly's Human Rights Defense Committee on November 11 to encourage the passage of a specific anti-trafficking law. The Reports Committee's chair reported to EmbOffs that the National Assembly's Human Rights Committee did not raise objections. Post has scheduled meetings with the Human Rights Defense Committee Chair as well as one of its prominent staffers to get more information on the likelihood of passing an anti-trafficking law.

15. (C/NF) The GOK implemented the long-promised standardized domestic labor contract on October 1. This contract should help eliminate contract substitution or the signing of contracts whose terms do not ensure workers acceptable minimum standards. While some Kuwaiti observers have criticized the contract's terms and raised doubts about

its implementation, it is an important step in fighting trafficking. The Kuwaiti Ambassador in Indonesia told PolOff via e-mail that his embassy is not implementing the contract due to lack of resources and guidance. The Filipino Overseas Workers Office in Kuwait, however, said that Filipinos wishing to come to Kuwait recently have had to have their contracts validated at the Kuwaiti embassy in Manila in order to obtain domestic worker visas. This is a key step in enforcing the contract. Post will continue to monitor implementation in the coming months.

16. (SBU) The GOK's National Awareness Raising Project for Domestic Workers continued its preparatory work. The GOK plans to officially launch the project in January. The project, run by the Ministry of Awqaf and Islamic Affairs, has carried out a number of studies to identify the source of problems, and plans activities designed to address these problems.

***** *
For more reporting from Embassy Kuwait, visit:
<http://www.state.sgov.gov/p/nea/kuwait/?cable s>

Visit Kuwait's Classified Website:
<http://www.state.sgov.gov/p/nea/kuwait/>
***** *
Tueller